IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHNNY C. FENN, JR., #238558,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:05-CV-515-MEF
	)	
MIKE HUGHES, et al.,	)	
	)	
Defendants.	)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Johnny C. Fenn, Jr. [“Fenn”], a former state inmate, filed this 42 U.S.C. § 1983 action on June 1, 2005. In this complaint, Fenn challenges actions taken against him during his arrest. The court recently ascertained that Fenn no longer resides at the last address he had provided for service. The order of procedure entered in this case specifically directed Fenn to immediately inform the court of any change in his address. *Order of June 15, 2005 - Court Document No. 4* at 4. Fenn has obviously failed to comply with directive and this case cannot properly proceed in his absence. The court therefore concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to comply with the orders of this court.

It is further

ORDERED that on or before December 19, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this

Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 7th day of December, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE